

**THE MINUTES OF THE HOUSE STANDING COMMITTEE
ON
JUDICIARY**

Wednesday, February 1, 2006

10:30 a.m.

Room 308 House Office Building

The House Standing Committee on Judiciary was called to order by **Representative William Van Regenmorter**, Chair.

MEMBERS PRESENT: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith.

MEMBERS ABSENT/EXCUSED: Representative McConico.

Representative Bieda moved to adopt the minutes of the **December 7, 2005** meeting. The motion was supported by **Representative Stakoe**. There being no objection, the motion prevailed by unanimous consent.

Chairman Van Regenmorter laid **HB 4171** before the committee:

HB 4171	Pastor	Civil procedure; remedies; award of damages for repairs made by landlord to damaged property; allow.
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TESTIMONY

Representative Pastor, sponsor of HB 4171, explained his bill to the committee.

Ida Bossio, a landlord, testified in support of the bill.

Clay Powell, representing the Rental Property Owners Association of Michigan, testified in support of the bill.

Jim Schaafsma, representing the Michigan Advocacy Project, testified in opposition to the bill.

Chairman Van Regenmorter laid **HB 5490** before the committee:

HB 5490	David Law	Criminal procedure; forfeiture; deposit of forfeiture funds in a local financial institution; allow and clarify interest earned remains with forfeiture funds.
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TESTIMONY

Representative David Law, sponsor of HB 5490, explained his bill to the committee.

Undersheriff Mike McCabe, representing the Oakland County Sheriff's Office, testified in support of the bill.

Andrew Doerr, representing the Michigan Credit Union League, submitted a card in support of the bill and did not wish to speak.

Matt Hanley, representing the Michigan Bankers Association, submitted a card in support of the bill and did not wish to speak.

Chairman Van Regenmorter laid **SB 128** before the committee:

SB 128	Sanborn	Criminal procedure; sex offender registration; notification by e-mail to certain individuals when a registered sex offender relocates into or within a certain proximity of a zip code; require.
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TESTIMONY

Peter Langley, from Senator Sanborn's office, testified in support of the bill.

Matt Bolger, representing the Michigan State Police, submitted a card indicating neutrality on the bill.

Chairman Van Regenmorter laid **SB 561** before the committee:

SB 561	McManus	Torts; immunity; "Good Samaritan" law provisions relating to national ski patrol system; revise.
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TESTIMONY

Alesha Gensler, from Senator McManus' office, testified in support of the bill.

Larry Kish, a member of the National Ski Patrol, submitted a card in support of the bill and indicated he would speak if necessary.

Orlene Christie, representing the Michigan Department of Community Health, submitted a card in support of the bill and did not wish to speak.

The committee returned to the consideration of **HB 4171**.

Representative Lipsey moved to adopt the substitute (**H-2**) to **HB 4171**. The motion was supported by **Representative Condino**.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,
Nays: None,
Pass: None.

Representatives Bieda and Condino offered the following amendments:

1. Amend page 2, following line 8, by inserting:

"(3) IF THE COURT DETERMINES THAT THE LANDLORD BREACHED THE LEASE OR CONTRACT UNDER WHICH THE PREMISES WERE HELD BY FAILING TO REPAIR THE PREMISES AND AWARDS DAMAGES UNDER SUBSECTION (1) BY MAKING AN AWARD FOR OR BASED ON THE COST OF REPAIRS, THE COURT SHALL AWARD DAMAGES FOR LABOR EXPENDED BY THE TENANT IN REPAIRING THE PREMISES IN THE SAME MANNER AS IT WOULD IF THE REPAIRS WERE PERFORMED BY A THIRD PARTY. A TENANT'S LABOR UNDER THIS SUBSECTION SHALL BE COMPENSATED AT A RATE THE COURT DETERMINES TO BE REASONABLE BASED ON STANDARD INDUSTRY WAGES."

2. Amend page 2, line 8, after **"WAGES"** by inserting **"AND FOR A TIME THAT THE COURT DETERMINES A REASONABLY SKILLFUL AND EXPERIENCED WORKER WOULD TAKE TO PERFORM THE REPAIRS."**

Representative Bieda moved to adopt the amendments. The motion was supported by **Representative Condino**.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,
Nays: None,
Pass: None.

Representative Condino moved to report **HB 4171** with recommendation, as substitute **(H-3)**. The motion was supported by **Representative Bieda**.

The motion prevailed by a vote **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,
Nays: None,
Pass: None.

The committee returned to the consideration of **HB 5490**.

Representative Elsenheimer moved to report **HB 5490** with recommendation. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,
Nays: None,
Pass: None.

The committee returned to the consideration of **SB 128**.

Chairman Van Regenmorter offered the following amendment to **SB 128**:

1. Amend page 3, following line 1, by inserting:
"Enacting section 1. This amendatory act takes effect January 1, 2007."

Representative David Law moved to adopt the amendment. The motion was supported by **Representative Jones**.

The motion prevailed by a vote **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

Representative David Law moved to report **SB 128** with recommendation, as amended. The motion was supported by **Representative Rocca**.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

The committee returned to the consideration of **SB 561**.

Representative Condino moved to report **SB 561** with recommendation. The motion was supported by **Representative Schuitmaker**.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

Representative Bieda moved to excuse Representative McConico from committee. The motion was supported by **Representative Lipsey**. There being no objection, the motion prevailed by unanimous consent.

There being no further business to come before the committee, the Chair adjourned the meeting at 11:32 a.m.

Representative William Van Regenmorter, Chair
House Standing Committee on Judiciary
Malika Abdur-Rashid
Committee Clerk
517-373-7256
1 Hour 2 minutes